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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STEVEN WOHL, On Behalf of himself and
all others similarly situated,

Plaintiff,
against

NESTLÉ WATERS NORTH AMERICA, INC.,
And THE LORD GROUP

Defendants

RECEIVED
JUN 26 2007
BABCHIK & YOUNG, LLP

07 CIV. 6049

JUDGE ROBINSON

Civil No. _____

NOTICE OF REMOVAL

Defendant Nestlé Waters North America Inc. ("NWN"), pursuant to 28 U.S.C. §§
1332, 1367, 1441, and 1446, hereby gives notice of the removal of this action:

1. On or about May 22, 2007, Plaintiff Steven Wohl ("Plaintiff") filed this action,
Steven Wohl, On Behalf of himself and all others similarly situated v. Nestlé Waters North
America Inc., and the Lord Group, Index No. 1091/07, in the Supreme Court of the State of
New York for Putnam County.

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FILED
U.S. DISTRICT COURT
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S.D. OF N.Y. W.P.

2. The Class Action Complaint and Summons were received by NWNA on or about May 28, 2006 via overnight mail. However, service of the Summons and Complaint has not been effected. This Notice of Removal is therefore timely under 28 U.S.C. § 1446(b).

3. The Complaint alleges that defendant NWNA violated NY General Business Law § 349 by engaging in deceptive practices with respect to certain “oil charges” billed to the plaintiff and members of the class. These alleged deceptive acts are also asserted to comprise a breach of contract and unjust enrichment. This case may be removed to this Court by the defendant NWNA pursuant to 28 U.S.C. § 1441(b) and (c).

4. Removal of this action is proper under 28 U.S.C. § 1332 (d)(2) [the amendment to Section 1332 based upon the Class Action Fairness Act of 2005] because:

A. Based on the allegations of the Complaint, the named plaintiff/putative class representative is a citizen of the State of New York.

B. Nestlé is not a citizen of the State of New York under 28 U.S.C. § 1332(c)(1), as it is a Delaware Corporation whose principal place of business is in the State of Connecticut.

C. The Complaint alleges that NWNA wrongfully imposed an “oil surcharge” on monthly deliveries of Poland Spring bottled water on thousands of persons during the period May 21, 2001 to the present. The plaintiff’s claim exceeds \$5 million as the two dollar (\$2.00) per month oil surcharge charged to NWNA’s over 100,000 route customers since May 21, 2001 exceeds \$5 million. Accordingly, without prejudice to Nestlé’s denial of plaintiff’s damages, the Complaint alleges potential damages in excess of \$5 million, exclusive of interest and costs. The Complaint does not limit damages to any amount less than \$5 million.


5. Venue in this District is proper pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1391(b).

6. Copies of all process, pleadings, and orders provided to defendant NWNA in this action are attached hereto as Exhibit A.

7. Promptly after filing this Notice of Removal, defendant NWNA will give written notice to Plaintiffs and will file a copy of this Notice with the clerk of the Supreme Court of the State of New York for Putnam County.

Dated: Roseland, New Jersey
June 25, 2007

ORLOFF, LOWENBACH, STIFELMAN
& SIEGEL, P.A.

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